

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

JOHN STUART,

Defendant.

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**21-CR-07-LJV-JJM**

**NOTICE OF MOTION**

**MOTION BY:**

Jeffrey T. Bagley, Assistant Federal Public  
Defender

**DATE, TIME & PLACE:**

Before the Honorable Jeremiah J. McCarthy, United  
States Magistrate Court Judge, Robert H. Jackson  
United States Courthouse, 2 Niagara Square,  
Buffalo, New York, **on the papers submitted.**

**SUPPORTING PAPERS:**

Affirmation of Assistant Federal Public Defender  
Jeffrey T. Bagley, dated April 20, 2021.

**RELIEF REQUESTED:**

To adjourn the pretrial motions deadline and  
scheduling order for 45 days.

**DATED:**

Buffalo, New York, April 20, 2021.

Respectfully submitted,

**/s/ Jeffrey T. Bagley**

Jeffrey T. Bagley  
Assistant Federal Public Defender  
Federal Public Defender's Office  
300 Pearl Street, Suite 200  
Buffalo, New York 14202  
(716) 551-3341, (716) 551-3346 (Fax)  
jeffrey\_bagley@fd.org  
*Counsel for Defendant John Stuart*

**TO:** Laura A. Higgins  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
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**AFFIRMATION**

**JEFFREY T. BAGLEY**, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and I represent the defendant, John Stuart, in the instant matter.

2. The instant motion respectfully requests an extension of 45 days for the defendant to file pretrial motions currently due April 26, 2021.

3. The parties are engaged in active plea negotiations, and I expect an approved plea soon. This may result in motion practice becoming unnecessary.

4. Further, this case requires discovery examination by a forensic expert, whom has not yet had an opportunity to review all the evidence. I will be scheduling a time for this in the coming days.

5. I have discussed this request with Assistant United States Attorney Laura A. Higgins, and Ms. Higgins has no objection to an adjournment.

6. Should the motion be granted, the government and the defendant agree that the speedy trial time between the granting of the adjournment and the new pretrial motion deadline is excludable in the interests of justice.

**WHEREFORE**, it is respectfully requested that the pretrial motion deadline be adjourned for 45 days.

**DATED:** Buffalo, New York, April 20, 2021.

Respectfully submitted,

**/s/ Jeffrey T. Bagley**

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**TO:** Laura A. Higgins  
Assistant United States Attorney